

**THE MINUTES
FOR THE JANUARY 5, 2010
MEETING OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NORTHPORT
MEETING AT 6:00 P.M.**

A regular meeting of the Board of Trustees was held at Northport Village Hall.

Present: Mayor Doll, Trustees Kehoe, Maline and McMullen, Village Clerk Donna Koch,
Absent: Trustee Tobin, Superintendant Joseph Correia, Village Attorney James
Matthews.

ANNOUNCEMENTS: Mayor Doll announced that because of an error in the filing of the legal notice the Public Hearing has been postponed until January 12, 2009 at 6:00 PM. Anyone wishing to discuss the budget can do so in the public participation portion of the meeting.

PUBLIC HEARING(S) no Public Hearing was scheduled for this evening.

THE FOLLOWING PUBLIC HEARING WAS POSTPONED UNTIL JANUARY 12, 2010.

PLEASE TAKE NOTICE: That a public hearing of the Board of Trustees of the Village of Northport will be held on January 5, 2010 at 6:00 PM in the Northport Village Hall 224 Main Street to consider the 2010-2011 tentative budget.

PRESENTATIONS: Village Treasurer, Elissa Iannicello gave a presentation on the proposed 2010-2011 budget.

PUBLIC PARTICIPATION: Several Village residents were in the audience to oppose the tax increase. John Green of Fairwind Ct. questioned the Board on the feasibility of eliminating the Northport Police Department and how much the Village would save by doing so. Trustee Tobin stated they did not have the numbers for that tonight but he would look into it.

Trustee Tobin explained the new waste water user fee; any property connected to the Northport Sewer System will be charge a user fee. The fee will be based on water usage. Trustee Tobin stated we will get more into the specifics of it when the proposal comes up. Mayor Doll stated the cost of running the sewer plant is in excess of \$609,000.

Phil Weber, Chairman of the Fire Commissioners, stated tonight there are several members of the volunteer department present because of rumors going around regarding the combining the dispatch services. Chairman Weber stated because of this department the Village receives an additional one million dollars. Trustee Tobin stated that the Fire Department has been ahead of all the other departments in their budget planning for future years.

Mayor Doll explained the budget is designed not to have any reduction in forces. The Village does not want layoffs, as they would cost the Village money.

Trustee Kehoe stated where he was not able to put as much time in this budget as his colleagues he has been in business for over thirty years and has experience in looking at financial planning. Trustee Kehoe feels the Village cannot withstand a 6.8% tax increase. The Village is going to have to take difficult steps, but we need to look into cost saving measures.

Phil Weber stated the Board has done what it could, past year's tax increases have been held down. Now we need to make up that difference. We live in Northport for a reason. Trustee Kehoe has made the suggestion of combining the dispatch services of the Police and fire Departments. Resident and past Trustee Arlene Handel stated that the Village has looked into this before and it doesn't work. John McKenna, Northport Fire House Attendant stated that dispatching fire calls constitutes roughly two percent of his duties. Mr. McKenna invited Trustee Kehoe to spend the day over the Firehouse.

Betty Koener, stated she was happy to see the sewer charge.

Chief Varese stated that if Trustee Kehoe was going to hold meetings to consider the combining of dispatch duties, he would like to be on the committee and knows about 116 other men and women who would like to be a part.

Trustee McMullen has researched if the Village could do a lay off, or a lag pay, or do a 4 day work week. The Village is self insured for unemployment. Based on the research of one employee the Village would be required to pay roughly ninety dollars a day which is a thirty dollar difference from their normal pay. All the Village would be saving is thirty dollars a week. If the Village tried to get down to last year's tax increase of 3% the Village would have to let go six employees. Part time people would have to go first so then it would be two to three of them to come up with the full time rate. So you would be looking at laying off of 9 to 10 employees. It would be impractical for the Village. Also this budget helps the Village maintain its triple A rating for bonding and debt service.

Trustee Kehoe stated what ideas, he has thrown out tonight is only to provoke discussion.

Arlene Handel stated that this is a bare bones budget and thanked the Board for their hard work. Ms. Handel felt one area of the budget that is overlooked is celebrations, in these hard times maybe the Village should look into cutting back on the contributions the Village makes to different organizations. The Village needs to re-think its contributions to organizations that can fund raise on their own.

BOARD APPROVAL OF WARRANT:

On the motion of Trustee Kehoe and seconded by Trustee McMullen the following bills were approved for payment.

Fiscal Year 2009/2010 General Fund bills in the amount of \$ 41,434.73

On the motion of Trustee Kehoe and seconded by Trustee Tobin the following bills were approved for payment.

Fiscal Year 2009/2010 Capital Fund bills in the amount of \$ 38,968.22**TREASURER REPORT:**

COMMISSIONER REPORTS: Trustee Maline reported a new payroll clerk will be hired this evening.

Trustee McMullen reported the Parks Department has been quiet this time of year.

Trustee Tobin reported the Village will look into all areas and pursue any and all avenues to obtain funds. It's very unlikely we will get anything for roads.

Trustee Kehoe announced the Village has received the \$28,500 grant for the Local Waterfront Revitalization Project.

Mayor Doll reported the last snow storm cost the Village \$21,000. He commended the Highway Department for doing a great job.

CHIEF OF POLICE REPORT: no report was presented tonight.

SUPERINTENDENT REPORT: Joe Correia requested from the Board permission to have a representative from Gannett Fleming attend a meeting with Chris Badlor regarding the SAFETEA-LU grants, one of which is for crosswalks and the other for Woodbine Ave. Mr. Correia felt he would be retiring before this project got moving. The Board agreed on an amount not to exceed \$500.00.

NEW BUSINESS: no new business.

OLD BUSINESS: no old business.

REQUESTS: no requests this evening.

CORRESPONDENCE: no correspondence this evening.

RESOLUTIONS:

On the motion of Trustee Maline and seconded by trustee McMullen with Trustee Kehoe abstaining the following resolution was approved.

RESOLUTION 2010– 1 ~ APPROVAL OF THE DECEMBER 1, 2009 MINUTES

WHEREAS: Copies of the minutes of the December 1, 2009, meeting were sent to the Board for approval, therefore,

BE IT RESOLVED that said minutes are approved without reading, at this time.

He following resolution was postponed until after the public hearing now dated for January 12, 2010.

RESOLUTION 2010 - 2 ~ APPROVAL OF 2010 -2011 BUDGET

WHEREAS: The Board of Trustees has met at the time and place specified in the notice of hearing on the tentative budget and heard all persons desiring to be heard therefore,

BE IT RESOLVED: That the tentative budget for the fiscal year March 1, 2010 to February 28, 2011, as hereinafter set forth is hereby adopted and,

BE IT FURTHER RESOLVED: That there is hereby levied a tax of \$9,222,760.00 for said fiscal year, to which said budget is applicable upon the last completed assessment roll, and,

BE IT FURTHER RESOLVED: That the Village Clerk is authorized to extend and carry out upon the tax roll the amount to be collected from each of the persons named thereon.

On the motion of Trustee McMullen and seconded by Trustee Maline the following resolution was unanimously approved.

RESOLUTION 2010– 3~ APPROVAL OF THE DECEMBER 15, 2009 MINUTES

WHEREAS: Copies of the minutes of the December 15, 2009, meeting were sent to the Board for approval, therefore,

BE IT RESOLVED that said minutes are approved without reading, at this time.

On the motion of Trustee McMullen and seconded by Trustee Maline the following resolution was unanimously approved.

RESOLUTION 2010– 4~ APPROVAL OF THE DECEMBER 21, 2009 MINUTES

WHEREAS: Copies of the minutes of the December 21, 2009, meeting were sent to the Board for approval, therefore,

BE IT RESOLVED that said minutes are approved without reading, at this time.

On the motion of Trustee Kehoe and seconded by Trustee McMullen the following resolution was unanimously approved.

RESOLUTION 2010- 5 ~ ASSISTANT HIGHWAY SUPERVISOR

BE IT RESOLVED: That Herbert Byran Hartt be and hereby is appointed to the position of Assistant Highway Supervisor effective December 7, 2009.

On the motion of Trustee McMullen and seconded by Trustee Tobin the following resolution was unanimously approved.

RESOLUTION 2010- 6 ~ VILLAGE PARK PAVING

WHEREAS: the Town of Huntington has allocated \$115,000 for the repaving of the walkways in Northport Village Park, and

WHEREAS: the cost for the project is estimated at \$118,350, so therefore

BE IT RESOLVED: the Village hereby allocates the sum not to exceed \$5,000 for the remainder of the costs of repaving the walkways at Northport Village Park.

On the motion of Trustee McMullen and seconded by Trustee Kehoe the following resolution was unanimously approved.

RESOLUTION 2010 - 7~ POLLING PLACE AND HOURS OF ELECTION

BE IT RESOLVED: that the general election for the Incorporated Village of Northport will be held on Tuesday, March 16, 2010 between the hours of 6:00 a.m. and 9:00 p.m. The polling place for each election district shall be the Village Hall, 224 Main Street, Northport, NY 11768.

On the motion of Trustee Maline and seconded by Trustee Kehoe the following resolution was unanimously approved.

RESOLUTION 2010 – 8 ~ PART TIME PAYROLL CLERK

BE IT RESOLVED: Kristine Farrell is hereby hired to the position of part time Payroll Clerk at an hourly rate of \$15.00/h not to exceed 17 ½ hours per week.

On the motion of Trustee Maline and seconded by Trustee McMullen the following resolution was unanimously approved.

RESOLUTION 2010 - 9 ~ PROPOSED LOCAL LAW “A” OF 2010

PLEASE TAKE NOTICE: that a Public Hearing of the Village Board of Trustees will be held at the Village Hall, 224 Main Street, Northport, New York at 6:00 o’clock in the evening of the 19th day of January, 2010, to consider the following proposed local law:

**PROPOSED LOCAL LAW “A” OF 2010
A LOCAL LAW OF
THE VILLAGE OF NORTHPORT
TO AMEND CHAPTER 42 “OFFICERS AND EMPLOYEES”
OF THE CODE OF THE VILLAGE OF NORTHPORT**

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

Section 1. Legislative Intent

The Board of Trustees finds that the prohibition of health insurance benefits and retirement health insurance benefits for elected officials and part time employees of the Village is fiscally prudent and will also protect the taxpayers from excessive compensation to such persons. Furthermore, the Board finds that codifying existing compensatory time and overtime entitlements and prohibitions is in the public interest.

Section 2. Statutory Authority

This Local Law is adopted pursuant to New York State Village Law and Municipal Home Rule Law.

Section 3. Applicability

The provisions of this Local Law shall apply to all elected officials of the Incorporated Village of Northport and to those other Village officials and employees as specified in the local law.

Section 4. Amendments

Explanation of notations:

Existing text is reproduced in normal type.

Text to be added is indicated in italics.

Text to be deleted is in ~~strikeout~~

- * * * indicates existing text to remain unchanged.

CHAPTER 42 OFFICERS AND EMPLOYEES

* * *

ARTICLE II Fringe Benefits

§ 42-3. Designation of employees to receive benefits.

The Village Board of Trustees herewith codifies the following existing fringe benefits which have been and shall be accorded to the incumbents of the indicated positions:

- A. Village Clerk, Deputy Clerk, *Treasurer*, Deputy Treasurer, Superintendent of Public Works, Code Compliance Director, Secretary of the Planning Board, Secretary of the Board of Zoning Appeals and *full-time clerical employees, none of whom are members of a bargaining unit that is party to a collective bargaining agreement with the Village.* ~~clerk typist. (office of the Village Clerk Treasurer).~~ The above-named employees shall be accorded all fringe benefits, except those hereinafter excluded *or otherwise modified by act of the Board of Trustees, whether by resolution or local law*, that are established by the current labor agreement between the Incorporated Village of Northport and the current bargaining unit *for blue collar employees*. Said fringe benefits shall continue unabated unless changed by a subsequent resolution of this Board. The expiration of the

aforementioned labor contract shall not affect the extension of all fringe benefits to the incumbents of the above-noted job classifications. Specifically excepted from the foregoing are the following fringe benefits: payment for accumulated sick leave, dental insurance, life insurance and optical benefits and prepaid legal plan. In lieu of the foregoing insurance benefits, the Village of Northport shall provide the incumbents of the above-noted classifications the dental insurance, life insurance and optical benefits accorded to the unit members of the Northport Police Benevolent Association, under the labor agreement between the Incorporated Village of Northport and the Northport Police Benevolent Association. The expiration of the aforementioned labor contract shall not affect the extension of all fringe benefits to the incumbents of the above-noted job classifications.

* * *

- C. Village Clerk, Deputy Clerk, *Treasurer*, Deputy Treasurer, Secretary of the Planning Board, Secretary of the Board of Zoning Appeals and *full-time clerical employees, none of whom are members of a bargaining unit that is party to a collective bargaining agreement with the Village.* ~~clerk typist (office of the Village Clerk)~~. A longevity award of \$500 shall be granted upon reaching 20 years of service, and an award of \$250 shall be granted upon reaching 15 years of service, effective within 30 days of the date of adoption of this resolution.

* * *

§ 42-4.1 *Ineligibility for Health Insurance Benefits*

Notwithstanding anything contained in the Village Code nor any resolutions of the Board of Trustees nor existing Village practice, no elected official or part time (meaning less than 21 hours per week) or temporary or seasonal employee of the Incorporated Village of Northport shall be eligible to receive health insurance benefits under a Village health insurance policy whether paid for by the Village as compensation or paid for by the elected official or the employee. Furthermore, no such persons shall be eligible to receive any contributions from the Village towards retirement health insurance benefits. This latter prohibition is intended to apply to all prior, current and future persons in the stated positions. It is intended that this prohibition shall apply to all elected officials, which are the Mayor, Trustees and the Village Justice and to current part time and temporary employees and shall become effective immediately, except as to the office of Village Justice in which case this prohibition shall become effective on April 1, 2010, being and intended to be after the current term of office for the Village Justice has ended. This prohibition is not intended to affect entitlement to COBRA benefits as provided for in federal or state law. Notwithstanding any of the foregoing, the prohibition on the receipt of health insurance benefits shall not apply to any person in any of the above described positions who currently receives health insurance benefits, which benefits shall continue until such person is no longer in office and/or is no longer employed by the Incorporated Village of Northport, in

which case the prohibition on receipt of health insurance benefits shall apply to any new person assuming the position. This limited exception, however, does not affect the prohibition on contributions by the Incorporated Village of Northport towards retirement health insurance benefits, which shall be fully applicable to any such employee covered by this exception. Furthermore, the prohibitions contained herein shall not affect contractual rights secured by a duly approved Collective Bargaining Agreement.

§ 42-4.2 *Compensatory time and overtime*

The Village Clerk, the Deputy Clerk, the Treasurer and the Deputy Treasurer have never been authorized to receive compensatory time or overtime unless specifically authorized by a resolution of the Board of Trustees adopted at a lawfully convened meeting. These officials are prohibited from receiving compensatory time and overtime unless approved by resolution of the Board of Trustees adopted at a lawfully convened meeting. No other Village employee is eligible to receive compensatory time or overtime unless approved by resolution of the Board of Trustees at a lawfully convened meeting. Such approval may be for a specific employee or it may be in the form of approval of a collective bargaining agreement pursuant to which covered employees are entitled to receive compensatory and/or overtime. As to the employees who are union members, the terms of the approved collective bargaining agreement shall determine their eligibility for compensatory time and overtime.

Section 5. Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Local Law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this Local Law, and it shall be construed to have been the legislative intent to enact this Local Law without such unconstitutional, or invalid parts therein.

Section 6. SEQRA

The Board of Trustees has determined that pursuant to §617.5(c) 20 and 27 of the SEQRA regulations this action of the Village of Northport is "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "adoption of regulations, policies, procedures and local legislative decisions in connection with any Type II action . . ." and therefore, the proposed action of the Village of Northport in this matter is a Type II action and requires no further action pursuant to SEQRA.

Section 7. Effective Date

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

On the motion of Trustee Maline and seconded by Trustee Kehoe the following resolution was unanimously approved.

2010-11 ~ BOND RESOLUTION SHUTTINGER

WHEREAS: The Village currently holds as surety bond an assignment of the Bruce Smith First National Bank of Long Island Savings Certificate #043-300316 (copy attached) in the amount of \$48,000.00, for site improvements on the Map of Highland Park, Parts of lot 17 & 18 (Subdivision #134), and

WHEREAS: Drew Shuttinger and Carlos E Cala request that the board accept as a replacement surety bond an assignment of the Carlos E Cala First National Bank of Long Island Certificate of Deposit #0430300394 in the amount of \$48,000.00, and

WHEREAS: Drew Shuttinger and Carlos E Scala confirmed that they will take title to the vacant parcel jointly and will assume joint responsibility to complete the required improvements, and

WHEREAS: The Village Attorney determined that said replacement bond is acceptable as to form, sufficiency and manner of execution, now therefore

BE IT RESOLVED: That the assignment of a Carlos E Cala First National Bank of Long Island Certificate of Deposit #0430300394 also in the amount of \$48,000.00 is hereby accepted as replacement for the assignment of a Bruce Smith First National Bank of Long Island Certificate of Deposit #043-0300316 to \$48,000.00 subject to the following terms and conditions:

- A. Submission of proof, to be approved by the Village Attorney, that title was closed in joint ownership by Drew Shuttinger and Carlos E Scala.
- B. The acceptance of the replacement surety bond will become effective upon the receipt and approval proof as per A. above and subsequent letter from the Superintendent of Public Works releasing the assignment of the Bruce Smith First National Bank of Long Island Certificate of Deposit #043-0300316 in the amount of \$48,000.00.

On the motion of Trustee McMullen and seconded by Trustee Tobin the following resolution was unanimously approved.

RESOLUTION 2010-9A ~ NOTICE OF PUBLIC HEARING

BE IT RESOLVED: The Northport Village Board of Trustees will hold a Public Hearing Tuesday January 12, 2010 at Northport Village Hall 224 Main Street Northport, NY 11768 to consider the Tentative Budget for said Village for the fiscal year March 1, 2010 to February 28, 2011. A copy of the tentative Budget is available at the office of the Village Clerk.

A RESOLUTION FOR AN EXECUTIVE SESSION: if necessary, for personnel and/or litigation matters.

The next regular meeting of the Board of Trustees will be Tuesday January 19th at 6:00 PM. HELD AT THE NORTHPROT AMERICAN LEGION HALL 9 WOODSIDE AVE.

Adjourned: 8:50 PM.

Respectfully submitted,

Donna M. Koch,
Village Clerk